

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

CARMEN DONELSON and DOUGLAS  
DONELSON, wife and husband,

Plaintiffs,

vs.

PROVIDENCE HEALTH & SERVICES  
- WASHINGTON d/b/a PROVIDENCE  
HEALTH CARE and d/b/a ST.  
JOSEPH CARE CENTER,

Defendant.

CV-10-157-EFS

**ORDER DENYING DEFENDANT'S  
MOTION FOR PARTIAL  
RECONSIDERATION**

Before the Court, without oral argument, is Defendant Providence Health & Services's (PHS) Motion for Partial Reconsideration, ECF No. [67](#). Having reviewed the parties' submissions, applicable authority, and the record in this matter, the Court is fully informed.

PHS asks the Court to reconsider its October 14, 2011 Order Granting in Part, Denying in Part, and Holding in Abeyance in Part Defendant's Motion for Summary Judgment, ECF No. [61](#), to the extent that it denied PHS's motion. Specifically, PHS asks the Court to grant summary judgment on Plaintiffs' Americans with Disabilities Act, Rehabilitation Act, and Washington Law Against Discrimination claims. PHS argues that it is

1 undisputed that it offered Ms. Donelson a "reasonable accommodation"  
2 under these statutes and that summary judgment is thus appropriate.

3 PHS does not argue that the Court's Order contains an error of law,  
4 does not request consideration of newly-discovered evidence, and does not  
5 argue that any of the other grounds for relief listed in Federal Rule of  
6 Civil Procedure 60(b) apply here. Rather, PHS' argument simply re-states  
7 an argument made in its summary judgment motion. For the same reasons  
8 that the Court denied PHS' motion, the Court declines to reconsider its  
9 ruling: while PHS does identify *facts* that are undisputed, whether PHS'  
10 conduct regarding Ms. Donelson constitutes a "reasonable accommodation"  
11 is the ultimate legal issue in this case and is clearly disputed.  
12 Accordingly, Defendant's motion is denied.

13 For the reasons discussed above, **IT IS HEREBY ORDERED:** Defendant's  
14 Motion for Partial Reconsideration, **ECF No. 67**, is **DENIED**.

15 **IT IS SO ORDERED.** The District Court Executive is directed to enter  
16 this Order and provide copies to counsel.

17 **DATED** this 31<sup>st</sup> day of October 2011.

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20 EDWARD F. SHEA  
21 United States District Judge  
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